

33CFR Part 104 – Maritime Security: Vessels
Subpart B – Vessel Security Requirements:

33 CFR §104.275 Security Measures For Handling Cargo.

(a) General. The vessel owner or operator must ensure that security measures relating to cargo handling, some of which may have to be applied in liaison with the facility or another vessel, are specified in order to:

(a)(1) Deter tampering;

(a)(2) Prevent cargo that is not meant for carriage from being accepted and stored on board the vessel;

(a)(3) Identify cargo that is approved for loading onto the vessel;

(a)(4) Include inventory control procedures at access points to the vessel; and

(a)(5) When there are regular or repeated cargo operations with the same shipper, coordinate security measures with the shipper or other responsible party in accordance with an established agreement and procedures.

(b) Maritime Security (MARSEC) Level 1. At MARSEC Level 1, the vessel owner or operator must ensure the implementation of measures to:

(b)(1) Unless unsafe to do so, routinely check cargo and cargo spaces prior to and during cargo handling for evidence of tampering;

(b)(2) Check that cargo to be loaded matches the cargo documentation, or that cargo markings or container numbers match the information provided with shipping documents;

(b)(3) Ensure, in liaison with the facility, that vehicles to be loaded on board car carriers, RO-RO, and passenger ships are subjected to screening prior to loading, in accordance with the frequency required in the VSP; and

(b)(4) Check, in liaison with the facility, seals or other methods used to prevent tampering.

(c) MARSEC Level 2. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the vessel owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved Vessel Security Plan (VSP). These additional security measures may include:

(c)(1) Increasing the frequency and detail of checking cargo and cargo spaces for evidence of tampering;

(c)(2) Intensifying checks to ensure that only the intended cargo, container, or other cargo transport units are loaded;

(c)(3) Intensifying screening of vehicles to be loaded on car-carriers, RO-RO, and passenger vessels;

(c)(4) In liaison with the facility, increasing frequency and detail in checking seals or other methods used to prevent tampering;

(c)(5) Increasing the frequency and intensity of visual and physical inspections; or

(c)(6) Coordinating enhanced security measures with the shipper or other responsible party in accordance with an established agreement and procedures.

(d) MARSEC Level 3. In addition to the security measures for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the vessel owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved VSP. These additional security measures may include:

(d)(1) Suspending loading or unloading of cargo;

(d)(2) Being prepared to cooperate with responders, facilities, and other vessels; or

(d)(3) Verifying the inventory and location of any hazardous materials carried on board.

33CFR Part 105 – Maritime Security: Facilities Subpart B – Facility Security Requirements:

33 CFR §105.265 Security Measures For Handling Cargo.

(a) General. The facility owner or operator must ensure that security measures relating to cargo handling, some of which may have to be applied in liaison with the vessel, are implemented in order to:

(a)(1) Deter tampering;

(a)(2) Prevent cargo that is not meant for carriage from being accepted and stored at the facility without the knowing consent of the facility owner or operator;

(a)(3) Identify cargo that is approved for loading onto vessels interfacing with the facility;

(a)(4) Include cargo control procedures at access points to the facility;

(a)(5) Identify cargo that is accepted for temporary storage in a restricted area while awaiting loading or pick up;

(a)(6) Restrict the entry of cargo to the facility that does not have a confirmed date for loading, as appropriate;

(a)(7) Ensure the release of cargo only to the carrier specified in the cargo documentation;

(a)(8) When there are regular or repeated cargo operations with the same shipper, coordinate security measures with the shipper or other responsible party in accordance with an established agreement and procedure; and

(a)(9) Create, update, and maintain a continuous inventory of all dangerous goods and hazardous substances from receipt to delivery within the facility, giving the location of those dangerous goods and hazardous substances.

(b) MARSEC Level 1. At MARSEC Level 1, the facility owner or operator must ensure the implementation of measures to:

(b)(1) Unless unsafe to do so, routinely" and remove the words "to deter" and add, in their place, the words "for evidence of check cargo, cargo transport units, and cargo storage areas within the facility prior to, and during, cargo handling operations to deter tampering;

(b)(2) Check that cargo, containers, or other cargo transport units entering the facility match the delivery note or equivalent cargo documentation;

(b)(3) Screen vehicles; and

(b)(4) Check seals and other methods used to prevent tampering upon entering the facility and upon storage within the facility.

(c) MARSEC Level 2. In addition to the security measures required for MARSEC Level 1 in this section, at MARSEC Level 2, the facility owner or operator must also ensure the implementation of additional security measures, as specified for MARSEC Level 2 in the approved FSP. These additional security measures may include:

(c)(1) Conducting check of cargo, containers or other cargo transport units, and cargo storage areas within the facility for evidence of tampering;

(c)(2) Intensifying checks, as appropriate, to ensure that only the documented cargo enters the facility, is temporarily stored there, and then loaded onto the vessel;

(c)(3) Intensifying the screening of vehicles;

(c)(4) Increasing frequency and detail in checking of seals and other methods used to prevent tampering;

(c)(5) Coordinating enhanced security measures with the shipper or other responsible party in accordance with an established agreement and procedures;

(c)(6) Increasing the frequency and intensity of visual and physical inspections; or

(c)(7) Limiting the number of locations where dangerous goods and hazardous substances, including certain dangerous cargoes, can be stored.

(d) MARSEC Level 3. In addition to the security measures required for MARSEC Level 1 and MARSEC Level 2, at MARSEC Level 3, the facility owner or operator must ensure the implementation of additional security measures, as specified for MARSEC Level 3 in the approved FSP. These additional security measures may include:

(d)(1) Restricting or suspending cargo movements or operations within all or part of the facility or specific vessels;

(d)(2) Being prepared to cooperate with responders and vessels; or

(d)(3) Verifying the inventory and location of any dangerous goods and hazardous substances, including certain dangerous cargoes, held within the facility and their location.